

## 46 Am. Jur. 2d Judges § 32

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### Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

### V. Powers and Duties

#### B. Successor Judges

## § 32. Successor judge entering judgment or rendering decision—By stipulation

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  32

### A.L.R. Library

[Power of Successor or Substituted Judge, in Civil Case, to Render Decision or Enter Judgment on Testimony Heard by Predecessor, 84 A.L.R.5th 399](#)

[Power of successor judge taking office during term time to vacate, set aside, or annul judgment entered by his or her predecessor, 51 A.L.R.5th 747](#)

The parties to an action may agree or stipulate that the action may be decided by a successor judge upon the successor's reading and consideration of the record of evidence taken upon trial of the cause before the predecessor.<sup>1</sup>

Where the recitals in the judgment state that the case has been assigned to the successor judge for decision, that neither party has objected to its disposition by the successor judge, and that the issue has been submitted to the successor judge, the decision of the successor judge on motions for directed verdict has the same force and effect as the decision by the trial judge would have had, including whatever determinations on questions of fact were involved in the conclusion.<sup>2</sup>

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### Footnotes

- 1                   Milbrew, Inc. v. C.I.R., 710 F.2d 1302 (7th Cir. 1983); Christy v. Christy, 354 S.C. 203, 580 S.E.2d 444 (2003).
- 2                   Thomas-Bonner Co. v. Hooven, Owens & Rentschler Co., 284 F. 386 (C.C.A. 6th Cir. 1922).  
As to federal judges, generally, see Am. Jur. 2d, Federal Courts §§ 1 et seq.

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